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LOWE HAUPTMAN HAM & BERNER, LLP			HERNANDEZ, NELSON D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,567	<b>Applicant(s)</b> PILU ET AL.
	<b>Examiner</b> Nelson D. Hernández	<b>Art Unit</b> 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7,10-25,28-38,40,42,44-48,50-54,56,57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,10-25,28-38,40,42,44-48,50-54,56,57 and 59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 17, 2008 has been entered.

***Response to Amendment***

2. The Examiner acknowledges the amended claims filed on January 17, 2008. **Claims 40, 44, and 57 have been amended. Claims 6, 8, 9, 26, 27, 39, 41, 43, 49, 55, 58 and 60 have been canceled.**

***Response to Arguments***

3. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4, 10-17, 19-21, 23, 28-35, 37, 38, 40, 42, 44-47, 54, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Metcalfe, AU 743216 B.**

Regarding claim 1, Metcalfe discloses a camera apparatus (See fig. 1) comprising an electronic camera (See fig. 1) for producing an image signal, a user operable picture taking control (111 as shown in fig. 1) for selectively activating the camera to take pictures, and an additional physically or mechanically operable user control (112 as shown in fig. 1) for receiving an input from a user and for generating a saliency signal that (a) can change in value between at least three different discrete values while the image signal is being produced (Metcalfe discloses assigning a level of interest to the image data being recorded, wherein the user can variably assign a plurality of level of interest through the capture of the a video sequence; see Fig. 3. This teaches generating a saliency signal that can change in value between at least three different discrete values while the image signal is being produced), or (b) can have values that are continuously variable while the image signal is being produced (Metcalfe discloses assigning a level of interest to the image data being recorded, wherein the user can variably assign a plurality of level of interest through the capture of the a video sequence; see Fig. 3. This teaches generating a saliency signal that can

have values that are continuously variable while the image signal is being produced), and a memory (120 as shown in fig. 1) arranged for storing the image signal and the saliency signal (page 4, lines 5-13; page 5, lines 4-35), operation of at least a part of the camera apparatus being arranged to be controlled in response to the saliency signal (as discussed in page 6, line 31 – page 7, line 8 , Metcalfe discloses that the saliency signal (LOI) can be used to control the reproduction of the images (i.e. printing, creating thumbnail files for photo albums, etc.)) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 4,** Metcalfe discloses that the part includes image selection circuitry for receiving the saliency and image signals and for selectively passing ones of said image signals as determined by said saliency signal (As taught in Metcalfe, the camera receives the saliency signal (LOI) and based on said saliency signal, when reproducing , the camera would select particular images based on the degree of importance as set by the user when recording the images (See pages 5-7, specifically page 7, lines 3-8)).

**Regarding claim 10,** Metcalfe discloses a user operable control for picture taking control of the camera (111 as shown in fig. 1).

**Regarding claim 11,** Metcalfe discloses that the user control includes a normal picture taking control on the camera (111 as shown in fig. 1).

**Regarding claim 12,** Metcalfe discloses at least one further physically or mechanically operable user control for generating a corresponding related saliency signal (See button 112 as shown in fig. 1).

**Regarding claim 13,** Metcalfe discloses a saliency circuitry for combining said saliency signals to form a complex saliency signal, the complex saliency signal being the saliency signal for controlling at least a part of the camera and the saliency signal the memory, is arranged to store (Metcalfe discloses that upon operation of the saliency signal generation controller which activated using button 112 as shown in fig. 1, the camera would control the operation of the camera and would also control the recording of the image signal and the saliency signal in the same memory (120 as shown in fig. 1); See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 14,** Metcalfe discloses a saliency circuitry for generating an image related saliency signal in response to said image signal (Metcalfe discloses controlling the reproduction operation of the camera based on the associated saliency signal to the image signal so that when reproducing the image signal with higher importance would be displayed differently from the other image signal. See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 15,** limitations have been discussed and analyzed in claim 13.

**Regarding claim 16,** Metcalfe discloses circuitry for incorporating said saliency signal in each of said image signals (Metcalfe discloses incorporating said saliency signal (LOI) to each of the frames in the image signal. See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 17,** Metcalfe discloses that the user control is part of the camera or is physically attached to the camera body (See controls in Fig. 1).

**Regarding claim 19,** Metcalfe discloses that the user control comprises a physically movable control member (pressure button that assign a level of interest of an image signal based on the pressure applied to said button) and a sensor arranged to be responsive to movement of the control member (See page 4, line 27 – page 5, line 4).

**Regarding claim 20,** limitations have been discussed and analyzed in claim 19.

**Regarding claim 21,** limitations have been discussed and analyzed in claim 1.

**Regarding claim 23,** limitations have been discussed and analyzed in claim 4.

**Regarding claim 28,** limitations have been discussed and analyzed in claim 10.

**Regarding claim 29,** limitations have been discussed and analyzed in claim 11.

**Regarding claim 30,** limitations have been discussed and analyzed in claim 12.

**Regarding claim 31,** limitations have been discussed and analyzed in claim 13.

**Regarding claim 32,** limitations have been discussed and analyzed in claim 13.

**Regarding claim 33,** limitations have been discussed and analyzed in claim 13.

**Regarding claim 34,** limitations have been discussed and analyzed in claim 16.

**Regarding claim 35,** limitations have been discussed and analyzed in claim 17.

**Regarding claim 37,** limitations have been discussed and analyzed in claim 19.

**Regarding claim 38,** limitations have been discussed and analyzed in claim 19.

**Regarding claim 40,** Metcalfe discloses an imaging system (See fig. 1)

comprising an electronic camera (See fig. 1) for producing an image signal, at least two physically or mechanically operable user controls (See user controls 106, 104, 111, 112, 110 and 108 as shown in fig. 1), each of the user controls being arranged for receiving an input from a user and for generating first and second saliency signals

(Metcalfe discloses the use of button 112 to generate a plurality of saliency signals (Level of interest signals "LOI") to be associated to the image signal being recorded with the camera) while the image signal is being produced, and saliency circuitry (the camera in Metcalfe inherently has a saliency signal circuitry to generate the saliency signal upon operation of the camera button 112) for combining said first and second saliency signals to form a complex saliency signal (Metcalfe discloses recording the plurality of saliency signals in a memory (tape 120 in fig. 1) in association with the image data, thus discloses generating a complex saliency signal which is composed with the plurality of saliency signals stored in memory in association with the image; See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8), one of the saliency signals being, a signal that (a) can change in value between at least three different discrete values while the image signal is being produced (Metcalfe discloses assigning a level of interest to the image data being recorded, wherein the user can variably assign a plurality of level of interest through the capture of the a video sequence; see Fig. 3. This teaches generating a saliency signal that can change in value between at least three different discrete values while the image signal is being produced), or (b) can have values that are continuously variable while the image signal is being produced (Metcalfe discloses assigning a level of interest to the image data being recorded, wherein the user can variably assign a plurality of level of interest through the capture of the a video sequence; see Fig. 3. This teaches generating a saliency signal that can have values that are continuously variable while the image signal is being produced), a memory (120 as shown in fig. 1) arranged for storing the image signal and the saliency

signal in response to the saliency signal (page 4, lines 5-13; page 5, lines 4-35), operation of at least part of the camera apparatus being arranged to be controlled in response to the complex saliency signal (as discussed in page 6, line 31 – page 7, line 8, Metcalfe discloses that the complex saliency signal (which is composed of a plurality of LOI signals stored in memory 120) can be used to control the reproduction of the images (i.e. printing, creating thumbnail files for photo albums, etc.)) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 42,** Metcalfe discloses a separate user operable picture taking control for selectively activating the camera to take pictures (See button 111 as shown in fig. 1).

**Regarding claim 44,** Metcalfe discloses an imaging system (See fig. 1) comprising an electronic camera (See fig. 1) for producing an image signal, a physically or mechanically operable user control (See user controls 106, 104, 111, 112, 110 and 108 as shown in fig. 1) for receiving an input from a user and for generating a first saliency signal (Using button 112 as shown in fig. 1) while the image signal is being produced (the image is being produced when the user activates the button 111 and then the user can use the saliency signal button to associate the image signal with a saliency signal; See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8), saliency circuitry (the camera in Metcalfe inherently has a saliency signal circuitry to generate the saliency signal upon operation of the camera button 112) for automatically generating an image related second saliency signal in response to the image signal (Metcalfe discloses recording in a memory (tape 120 in fig. 1) the plurality of different

saliency signals that are generated based on the operation of the button 112, in which as discussed in the Metcalfe reference, the user can determine from the activation of the button 112 (which would represent a first saliency signal), a plurality of different types of saliency signals that are automatically generated based on different conditions of the activation button (i.e. pressure, times being pressed), identifying a level of interest for the plurality of image signals captured by the camera and then storing the plurality of saliency signals in association with the image signal for later use when reproducing the image signals so that the camera would reproduce the image signals based on said plurality of saliency signals; See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8) in association with the image data, thus discloses generating a second saliency signal which is composed with the plurality of saliency signals stored in memory in association with the image; See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8), and circuitry for combining said saliency signals to form a complex saliency signal (as discussed in page 6, line 31 – page 7, line 8, Metcalfe discloses that the complex saliency signal (which is composed of a plurality of LOI signals stored in memory 120) can be used to control the reproduction of the images (i.e. printing, creating thumbnail files for photo albums, etc.)) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 45**, limitations have been discussed and analyzed in claim 13.

**Regarding claim 46**, limitations have been discussed and analyzed in claim 10.

**Regarding claim 47**, Metcalfe discloses that the first of said saliency signals has more than two values (As discussed by Metcalfe , the operation of the button 112 would

automatically generate a plurality of second saliency signals, wherein when operating the button 112, if the button is set to be controlled by pressing it a plurality of times, it would represent creating a first plurality of saliency signals that would generate the plurality of saliency signals to be associated to the image signal when recording into the memory 120; See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 54,** Metcalfe discloses an apparatus (See fig. 1) comprising an electronic camera (See fig. 1) having a picture taking control (button 111 as shown in fig. 1) for selectively activating the camera to derive picture signals, the camera further including a user operable control (button 112 as shown in fig. 1) for generating a non-playback saliency signal (the saliency signal generated in Metcalfe is a level of interest signal to indicate portion of the image signals that have certain degree of interest to be stored in the memory 120 in association with the saliency signal) and picture selection circuitry (circuitry is inherent in the Metcalfe reference to control the recording and reproduction of the video signals stored in the memory 120) for selectively passing the picture signals in response to the saliency signal (As taught in Metcalfe, the camera receives the saliency signal (LOI) and based on said saliency signal, when reproducing , the camera would select particular images based on the degree of importance as set by the user when recording the images (See pages 5-7, specifically page 7, lines 3-8)), the saliency signal being capable of having more than two values (As discussed by Metcalfe , the operation of the button 112 would automatically generate a plurality of second saliency signals, wherein when operating the button 112, if the button is set to be controlled by pressing it a plurality of times, it would represent creating a first plurality

of saliency signals that would generate the plurality of saliency signals to be associated to the image signal when recording into the memory 120) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 56**, limitations have been discussed and analyzed in claim 54.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 2, 5, 7, 22, 25, 48, 50, 57, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalfe, AU 743216 B in view of Fiore et al. US 2002/0191952 A1.**

**Regarding claim 2**, Metcalfe does not explicitly disclose that said part includes compression circuitry for receiving the image signals and for compressing the image signals to an extent determined by the saliency signal.

However, Fiore et al. teaches a camera apparatus (monitoring device 6 and signal processor 10) that includes compression circuitry (compressor 12) for receiving the image signals (from digitizer 11) and for compressing them to an extent determined by a saliency signal (an event signal sent from external event source 8 to event processor 16 of the signal processor 12). Please refer to Figs. 2-3, Paras. [0040-0041], [0044], and [0047-0051].

Therefore, taking the combined teaching of Metcalfe in view of Fiore et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the compression circuitry of Fiore with the camera apparatus of Metcalfe, as such compression circuitry would allow the user to choose a compression ratio of received image signals, wherein the user could disable the compression of image data when high resolution data is desired, yet enable the compression when the high resolution data is less important than sufficient storage space.

**Regarding claim 5,** the combined teaching of Metcalfe in view of Fiore et al. as discussed and analyzed in claim 2 further teaches that said part comprises the memory, the memory including management circuitry arranged to be responsive to the saliency signal for selectively retaining in said memory images associated with higher saliency levels in preference to images with lower saliency levels (Fiore teaches that the apparatus comprises a memory (file system 17) with management circuitry (event processor 16) for selectively retaining images (data frames from circular storage buffer 15) associated with higher saliency levels (i.e. event signals from event source 8) in the memory (17) in preference to images with lower saliency levels. Please refer to Figs. 2-3 and Paras. [0047-0048]. Fiore also teaches that the memory (17) is arranged for storing the saliency signal (external event signal) together with the image signal (input signal data), as is again taught in Paras. [0047-0048]).

**Regarding claim 7,** the combined teaching of Metcalfe in view of Fiore et al. as discussed and analyzed in claim 2 further teaches that said part comprises the memory

including management circuitry arranged to be responsive to the saliency signal for selectively retaining in said memory images associated with higher saliency levels in preference to images with lower saliency levels (Fiore also teaches that the apparatus comprises a memory (file system 17) including management circuitry (event processor 16) for selectively retaining images (data frames from circular storage buffer 15) associated with higher saliency levels (i.e. event signals from event source 8) in the memory (17) in preference to images with lower saliency levels. Please refer to Figs. 2-3 and Paras. [0047-0048]).

**Regarding claim 22**, limitations have been discussed and analyzed in claim 2.

**Regarding claim 25**, limitations have been discussed and analyzed in claim 5.

**Regarding claim 48**, Metcalfe discloses an apparatus (Fig. 1) comprising an electronic camera (See fig. 1) having a picture taking control (button 111 as shown in fig. 1) for selectively activating the camera to derive picture signals, the camera further including a user operable control (button 112 as shown in fig. 1) for generating a saliency signal contemporaneously with the derivation of the picture signals (the saliency signals are generated while the image signal is being captured. See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8), the saliency signal being capable of having more than two values (As discussed by Metcalfe , the operation of the button 112 would automatically generate a plurality of second saliency signals, wherein when operating the button 112, if the button is set to be controlled by pressing it a plurality of times, it would represent creating a first plurality of saliency signals that would generate the plurality of saliency signals to be associated to the image signal

when recording into the memory 120) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

Metcalfe does not explicitly disclose compression circuitry for compressing the picture signals to an extent determined by the saliency signal.

However, Fiore et al. teaches a camera apparatus (monitoring device 6 and signal processor 10) that includes compression circuitry (compressor 12) for receiving the image signals (from digitizer 11) and for compressing them to an extent determined by a saliency signal (an event signal sent from external event source 8 to event processor 16 of the signal processor 12). Please refer to Figs. 2-3, Paras. [0040-0041], [0044], and [0047-0051].

Therefore, taking the combined teaching of Metcalfe in view of Fiore et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the compression circuitry of Fiore with the camera apparatus of Metcalfe, as such compression circuitry would allow the user to choose a compression ratio of received image signals, wherein the user could disable the compression of image data when high resolution data is desired, yet enable the compression when the high resolution data is less important than sufficient storage space.

**Regarding claim 50**, limitations have been discussed and analyzed in claim 48.

**Regarding claim 57**, Metcalfe discloses an apparatus (Fig. 1) comprising an electronic camera (See fig. 1) having a picture taking control (See button 111 as shown in fig. 1) for selectively activating the camera to derive picture signals, the camera

further including a user operable control (See button 112 as shown in fig. 1) for generating a non-playback saliency signal (the saliency signal generated in Metcalfe is a level of interest signal to indicate portion of the image signals that have certain degree of interest to be stored in the memory 120 in association with the saliency signal) and a memory (120 as shown in fig. 1) arranged to store the saliency signal in association with the image signal, the saliency signal being capable of having more than two values (As discussed by Metcalfe , the operation of the button 112 would automatically generate a plurality of second saliency signals, wherein when operating the button 112, if the button is set to be controlled by pressing it a plurality of times, it would represent creating a first plurality of saliency signals that would generate the plurality of saliency signals to be associated to the image signal when recording into the memory 120) (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

Metcalfe does not explicitly disclose that said memory is arranged for selectively retaining images associated with higher saliency levels in said memory in preference to images with lower saliency levels.

However, Fiore et al. teaches a camera apparatus (monitoring device 6 and signal processor 10) that includes compression circuitry (compressor 12) for receiving the image signals (from digitizer 11) and for compressing them to an extent determined by a saliency signal (an event signal sent from external event source 8 to event processor 16 of the signal processor 12). Please refer to Figs. 2-3, Paras. [0040-0041], [0044], and [0047-0051]. Fiore also teaches that the apparatus comprises a memory (file system 17) including management circuitry (event processor 16) for selectively

retaining images (data frames from circular storage buffer 15) associated with higher saliency levels (i.e. event signals from event source 8) in the memory (17) in preference to images with lower saliency levels. Please refer to Figs. 2-3 and Paras. [0047-0048].

Therefore, taking the combined teaching of Metcalfe in view of Fiore et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a memory as taught in Fiore with the camera apparatus of Metcalfe to have said memory arranged for selectively retaining images associated with higher saliency levels in said memory in preference to images with lower saliency levels. The motivation to do so would have been to allow the user to efficiently manage the image signals stored in the memory, yet enable the camera to store more of the image signals that are of a higher importance than the other signals.

**Regarding claim 59,** limitations have been discussed and analyzed in claim 57.

**8. Claims 3, 24, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalfe, AU 743216 B in view of Sisselman, US 2003/0007079 A1.**

**Regarding claim 3,** Metcalfe does not explicitly disclose that said part includes a buffer for receiving said image signal, the buffer having a capacity arranged to be controlled by the saliency signal during operation of the camera apparatus.

However, Sisselman reference teaches a camera apparatus comprising an electronic camera (hand-held personal viewing device 100) for producing an image signal (via image/signal processor 320), a user operable picture taking control (switch

140) for selectively activating the camera to take pictures, and an additional mechanically operable user control (e.g. control button 190) for receiving an input from a user and for generating a saliency signal (i.e. a replay command) while the image signal is being produced, operation of at least a part of the camera apparatus being arranged to be controlled in response to the saliency signal. Note that RAM 370 is controlled to alter the storage sequence of image data in response to the saliency signal (i.e. a replay command) generated by the user. Please refer to Figs. 1, 5, and 8, Paras. [0026-0034]. Sisselman further discloses that the part includes a buffer (circular buffer configuration of RAM 370) for receiving the image signal, the buffer having a capacity arranged to be controlled by the saliency signal during operation of the camera apparatus. Note that the user controls the length of the buffer based upon the number of times the replay button is pressed, as is taught in [0034].

Therefore, taking the combined teaching of Metcalfe in view of Sisselman as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the teachings of Sisselman to modify the teaching of Metcalfe to have a buffer for receiving the image signal, the buffer having a capacity arranged to be controlled by the saliency signal during operation of the camera apparatus. The motivation to do so would have been to allow the user to store the image data with a level of high importance while properly managing the memory resources of the camera.

**Regarding claim 24**, limitations have been discussed and analyzed in claim 3.

**Regarding claim 51,** Metcalfe discloses an apparatus (Fig. 1) comprising an electronic camera (Fig. 1) having a picture taking control (button 111 as shown in fig. 1) for selectively activating the camera to derive input picture signals, the camera further including a user operable control (button 112 as shown in fig. 1) for generating a saliency signal (Level of Interest signal "LOI") and a memory (120 as shown in fig. 1) for receiving the input picture signals and having a capacity for the input picture signals and the saliency signals (See page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

Metcalfe does not explicitly disclose a buffer receiving the image signals having said capacity for said input picture signals and said saliency signals determined in response to said saliency signal.

However, Sisselman reference teaches a camera apparatus comprising an electronic camera (hand-held personal viewing device 100) for producing an image signal (via image/signal processor 320), a user operable picture taking control (switch 140) for selectively activating the camera to take pictures, and an additional mechanically operable user control (e.g. control button 190) for receiving an input from a user and for generating a saliency signal (i.e. a replay command) while the image signal is being produced, operation of at least a part of the camera apparatus being arranged to be controlled in response to the saliency signal. Note that RAM 370 is controlled to alter the storage sequence of image data in response to the saliency signal (i.e. a replay command) generated by the user. Please refer to Figs. 1, 5, and 8, Paras. [0026-0034]. Sisselman further discloses that the part includes a buffer (circular buffer

configuration of RAM 370) for receiving the image signal, the buffer having a capacity arranged to be controlled by the saliency signal during operation of the camera apparatus. Note that the user controls the length of the buffer based upon the number of times the replay button is pressed, as is taught in [0034].

Therefore, taking the combined teaching of Metcalfe in view of Sisselman as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the teachings of Sisselman to modify the teaching of Metcalfe to have a buffer for receiving the image signal, the buffer having a capacity arranged to be controlled by the saliency signal during operation of the camera apparatus. The motivation to do so would have been to allow the user to store the image data with a level of high importance while properly managing the memory resources of the camera.

**Regarding claim 52,** the combined teaching of Metcalfe in view of Sisselman as discussed and analyzed in claim 51 further teaches that the saliency signal has more than two values (Metcalfe discloses assigning a level of interest to the image data being recorded, wherein the user can variably assign a plurality of level of interest through the capture of the a video sequence; see Fig. 3. This teaches generating a saliency signal the saliency signal has more than two values; see page 4, line 5 – page 5, line 23; page 6, line 23 – page 7, line 8).

**Regarding claim 53,** limitations have been discussed and analyzed in claim 51.

**9. Claim 18 and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalfe, AU 743216 B.**

Regarding claims 18 and 36, Metcalfe does not explicitly disclose that the user control is a remote control for communication with the camera. However, the Examiner takes Official Notice that the concept of controlling a camera with a remote control is well known in the art at the time the invention was made and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the user control of Metcalfe a remote control as opposed to a camera-body integrated control. One would have been motivated to do so because it is well known in the art that by using a remote control to control some elements of a camera, the user does not have to be near the camera to send and receive desired signals from the camera. This is particularly advantageous in cases where plural cameras are used or cameras are placed out of the reach of the user (e.g. surveillance cameras), where the remote control would allow the user to send signals to the camera(s) from a separate location, thereby simplifying camera control for the user.

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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